

JAN 19 2010

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

JOHN F. CORCORAN, CLERK  
BY: *J. Conrad*  
DEPUTY CLERK

UNITED STATES OF AMERICA,	)	
	)	Criminal Action No. 5:07CR00063-006
	)	Civil Action No. 5:09CV80184
v.	)	
	)	<b><u>FINAL ORDER</u></b>
	)	
DUSTIN SCOTT FILES,	)	By: Hon. Glen E. Conrad
	)	United States District Judge
Defendant.	)	

For the reasons stated in the accompanying memorandum opinion, it is now

**ORDERED**

as follows:

1. The government's motion to dismiss shall be and hereby is **GRANTED**;
2. The defendant's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 shall be and hereby is **DISMISSED** and **STRICKEN** from the active docket of the court; and
3. A certificate of appealability shall be and hereby is **DENIED**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the defendant and all counsel of record.

ENTER: This 19<sup>th</sup> day of January, 2010.

*Glen E. Conrad*  
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United States District Judge